

Attorney Docket No.: 2870/155

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shah, et al.

Serial No.: 09/324,182

Group Art Unit: 1615

Filed: June 2, 1999

Examiner: Pulliam, Amy

For: Non-Tacky Mascara Composition

RESPONSE PURSUANT TO 37 CFR 1.113

The Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Office Action dated April 24, 2002, Claims 1, 2, 7-19, 21, 22, 24 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Pastour et al. (U.S. Pat. No. 5,523,091, hereinafter referred to as "the Pastour reference") and Claims 1-30 are rejected under 35 U.S.C. §103 as being unobvious in light of the Pastour reference. In response, Applicants request the entry of the following amendments and consideration of the following remarks which are believed to place the application in condition for allowance or in better condition for appeal in the event the final rejection is maintained.

CLEAN AMENDMENTS

Please amend Claims 1, 25, and 30 as follows:

C1 Sub P1  
1.(Amended) A mascara composition comprising a seedless but otherwise substantially whole processed fruit or vegetable extract of tacky constituents dispersed in a silicone oil.

C2 Sub P2  
25.(Amended) A mascara composition comprising a seedless but otherwise substantially whole processed fruit or vegetable extract of tacky constituents dispersed in a volatile silicone oil, an antistatic component, a non-plant fiber component, and said whole processed fruit or vegetable extract comprising a natural fiber component.

C3 Sub P3  
30.(Amended) A mascara composition for application to the eyelashes comprising about 0.05 to about 0.50 percent by weight of the composition of a seedless but otherwise substantially whole processed apple extract of tacky constituents dispersed in a cyclomethicone, a non-plant fiber component comprising nylon and